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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Ramales Photography LLC,

Plaintiff,

v.

Clyde LLC,

Defendant.

Case No:

**COMPLAINT FOR:
(1) COPYRIGHT
INFRINGEMENT UNDER
17 U.S.C. §501**

JURY TRIAL DEMAND

Plaintiff Ramales Photography LLC (“*Plaintiff*”), by and through its undersigned counsel, for its Complaint against defendant Clyde LLC (“*Defendant*”) states and alleges as follows:

INTRODUCTION

1. This action seeks to recover damages for copyright infringement under the Copyright Act, 17 U.S.C §101 *et seq.*

2. Felipe Ramales (“*Ramales*”) created a photograph of American singer and songwriter Jennifer Lopez (the “*Photograph*”) in which Plaintiff owns the rights and licenses for various uses including online and print publications.

3. Defendant owns and operates a social media account on

1 www.instagram.com known as “@clyde.world” (the “*Account*”).

2 4. Defendant, without permission or authorization from Plaintiff, actively
3 copied and displayed the Photograph on the Account and engaged in this misconduct
4 knowingly and in violation of the United States copyright laws.

5 **PARTIES**

6 5. Rmales Photography LLC is a New York limited liability company
7 and maintains its principal place of business in Bronx County, New York.

8 6. Upon information and belief, Defendant Clyde LLC is a California
9 limited liability company with a principal place of business at 538 1/2 East Avenue
10 39, Los Angeles in Los Angeles County, California.

11 **JURISDICTION AND VENUE**

12 7. This Court has subject matter jurisdiction over the federal copyright
13 infringement claims pursuant to 28 U.S.C. §1338(a) and 28 U.S.C. §1331.

14 8. This Court has personal jurisdiction over Defendant because it
15 maintains its principal place of business in California.

16 9. Venue is proper under 28 U.S.C. §1391(b)(2) because Defendant does
17 business in this Judicial District and/or because a substantial part of the events or
18 omissions giving rise to the claim occurred in this Judicial District.

19 **FACTS COMMON TO ALL CLAIMS**

20 **A. Plaintiff's Copyright Ownership**

21 10. Plaintiff is a professional photography company by trade that is the
22 legal and rightful owner of certain photographs which Plaintiff commercially
23 licenses.

24 11. Plaintiff has invested significant time and money in building Plaintiff's
25 photograph portfolio.

26 12. Plaintiff has obtained active and valid copyright registrations from the
27 United States Copyright Office (the “*USCO*”) which cover many of Plaintiff's
28

1 photographs while many others are the subject of pending copyright applications.

2 13. Plaintiff's photographs are original, creative works in which Plaintiff
3 owns protectable copyright interests.

4 14. On December 11, 2018, Ramales first published the Photograph. A
5 copy of the Photograph is attached hereto as Exhibit 1.

6 15. In creating the Photograph, Ramales personally selected the subject
7 matter, timing, lighting, angle, perspective, depth, lens, and camera equipment used
8 to capture the image and made each and every artistic determination necessary for
9 the creation of the work.

10 16. On March 1, 2019, the Photograph was registered by the USCO under
11 Registration No. VA 2-141-766.

12 17. Ramales created the Photograph with the intention of it being used
13 commercially and for the purpose of display and/or public distribution.

14 18. Thereafter, on October 17, 2022, all rights in and to the Photograph
15 were transferred from Ramales to Plaintiff.

16 **B. Defendant's Infringing Activity**

17 19. Defendant is the registered owner of the Account and is responsible for
18 its content.

19 20. Defendant is the operator of the Account and is responsible for its
20 content.

21 21. The Account is a key component of Defendant's popular and lucrative
22 commercial enterprise.

23 22. The Account is monetized in that it promotes the business and sells
24 merchandise to the public and, on information and belief, Defendant profits from
25 these activities.

26 23. Upon information and belief, Defendant has not implemented adequate
27 internal policies to verify copyright ownership before content use, indicating a gross
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1 negligence in legal compliance, which is essential for a company with Defendant's
2 reach, capabilities, and level of sophistication.

3 24. Upon information and belief, Defendant's internal policies, if any, are
4 either not designed to verify copyright ownership before content use or are
5 systematically ignored, indicating a willful, recurring disregard for copyright
6 compliance.

7 25. Defendant's failure to adopt or effectively enforce internal copyright
8 policies, if any, indicates *de facto* willful infringement.

9 26. On or about March 29, 2023, without permission or authorization from
10 Plaintiff, Defendant volitionally copied and displayed the Photograph on the
11 Account as part of an on-line post at URL:
12 <https://www.instagram.com/p/CqYaWCwJ4IT>. A copy of a screengrab depicting
13 the Infringement is attached hereto as Exhibit 2.

14 27. The Photograph was intentionally and volitionally copied and stored by
15 Defendant at URL:
16 https://instagram.com/seo/google_widget/crawler/?media_id=30693190100461491
17 39.

18 28. The Infringement is a copy of Plaintiff's original image that was directly
19 copied and displayed on the Account by Defendant.

20 29. Plaintiff first observed the Infringement on September 5, 2023.

21 30. Upon information and belief, the Photograph was copied and displayed
22 by Defendant without license or permission, thereby infringing on Plaintiff's
23 copyrights in and to the Photograph.

24 31. The Infringement includes a URL ("*Uniform Resource Locator*") for a
25 fixed tangible medium of expression that was sufficiently permanent or stable to
26 permit it to be communicated for a period of more than a transitory duration and
27 therefore constitutes a specific infringement.
28

1 32. Upon information and belief, Defendant takes an active and pervasive
2 role in the content posted on its Account, including, but not limited to copying,
3 posting, selecting, commenting on, and displaying images including but not limited
4 to Plaintiff's Photograph.

5 33. Upon information and belief, the Photograph was willfully and
6 volitionally posted to the Account by Defendant.

7 34. Upon information and belief, Defendant was aware of facts or
8 circumstances from which the determination regarding the Infringement was
9 apparent. Defendant cannot claim that it was not aware of the infringing activities,
10 including the specific Infringement which forms the basis of this complaint, since
11 such a claim would amount to only willful blindness to the Infringement on the part
12 of Defendant.

13 35. Upon information and belief, Defendant engaged in the Infringement
14 knowingly and in violation of applicable United States copyright laws.

15 36. Upon information and belief, Defendant had complete control over and
16 actively reviewed and monitored the content posted on the Account.

17 37. Upon information and belief, Defendant has the legal right and ability
18 to control and limit the infringing activities on its Account and exercised and/or had
19 the right and ability to exercise such right.

20 38. Upon information and belief, Defendant has received a financial benefit
21 directly attributable to the Infringement.

22 39. Upon information and belief, the Infringement increased traffic to the
23 Account and, in turn, caused Defendant to realize an increase in its business revenue.

24 40. Upon information and belief, a large number of people have viewed the
25 unlawful copy of the Photograph on the Account.

26 41. Upon information and belief, Defendant at all times had the ability to
27 stop the reproduction and display of Plaintiff's copyrighted material.
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1 52. Without permission or authorization from Plaintiff and in willful
2 violation of Plaintiff's rights under 17 U.S.C. §106, Defendant improperly and
3 illegally copied, reproduced, distributed, adapted, and/or publicly displayed works
4 copyrighted by Plaintiff thereby violating one of Plaintiff's exclusive rights in its
5 copyrights.

6 53. Defendant's reproduction of the Photograph and display of the
7 Photograph constitutes willful copyright infringement.

8 54. Upon information and belief, Defendant willfully infringed upon
9 Plaintiff's copyrighted Photograph in violation of Title 17 of the U.S. Code, in that
10 Defendant used, published, communicated, posted, publicized, and otherwise held
11 out to the public for commercial benefit, Plaintiff's original and unique Photograph
12 without Plaintiff's consent or authority.

13 55. As a result of Defendant's violations of Title 17 of the U.S. Code,
14 Plaintiff is entitled to an award of actual damages and disgorgement of all of
15 Defendant's profits attributable to the infringements as provided by 17 U.S.C. § 504
16 in an amount to be proven or, in the alternative, at Plaintiff's election, an award for
17 statutory damages against Defendant for each infringement pursuant to 17 U.S.C. §
18 504(c).

19 56. As a result of the Defendant's violations of Title 17 of the U.S. Code,
20 the court in its discretion may allow the recovery of full costs as well as reasonable
21 attorney's fees and costs pursuant to 17 U.S.C. § 505 from Defendant.

22 57. As a result of Defendant's violations of Title 17 of the U.S. Code,
23 Plaintiff is entitled to injunctive relief to prevent or restrain infringement of
24 Plaintiff's copyright pursuant to 17 U.S.C. § 502.

25 **JURY DEMAND**

26 58. Plaintiff hereby demands a trial of this action by jury.
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PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court enters a judgment finding that Defendant has infringed on Plaintiff's rights to the Photograph in violation of 17 U.S.C. §501 *et seq.* and therefore award damages and monetary relief as follows:

- a. finding that Defendant infringed Plaintiff's copyright interest in and to the Photograph by copying and displaying it without a license or consent;
- b. for an award of actual damages and disgorgement of all of Defendant's profits attributable to the infringements as provided by 17 U.S.C. § 504(b) in an amount to be proven or, in the alternative, at Plaintiff's election, an award for statutory damages against Defendant for each infringement pursuant to 17 U.S.C. § 504(c), whichever is larger;
- c. for an order pursuant to 17 U.S.C. § 502(a) enjoining Defendant from any infringing use of any of Plaintiff's works;
- d. for costs of litigation and reasonable attorney's fees against Defendant pursuant to 17 U.S.C. § 505;
- e. for pre-judgment interest as permitted by law; and
- f. for any other relief the Court deems just and proper.

DATED: June 10, 2025

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